



Stay at Work Program

Workers' Compensation

REFORMS

The Complete Stay at Work Guide for Employers

Stay at Work: A financial incentive program that encourages Washington employers to find light-duty or transitional jobs for workers recovering from on-the-job injuries.



Stay at Work Program ■ Medical Provider Network ■ COHE Expansion
Structured Settlement Agreements ■ More Fraud Prevention
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www.WorkersCompReforms.Lni.wa.gov



Washington State Department of
Labor & Industries



YOUR GUIDE TO:

- Who's eligible.
- How to apply for reimbursements.
- What paperwork is required.
- How employers and workers benefit.
- What you need from health-care providers.
- Why Stay at Work is a "win-win."

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If a job injury occurs, what do you do?

Stay at Work reimbursements could help your worker and your bottom line. The Department of Labor & Industries (L&I) can help.

It's just what you dreaded, despite your best efforts to maintain a safe workplace.

One of your employees is injured on the job and faces a lengthy recovery. You're concerned about your employee and worried about suddenly losing a set of special skills your company depends upon — not to mention the cost of your workers' compensation insurance.

Time-loss benefits and your rates

Workers' comp claims involving time off work can drive up your rates. This is why many employers plan carefully by having a light-duty or transitional job program in place. If an injury occurs, they are ready to work with the doctor to make a safe and healthy return to light-duty or transitional work possible. This "early return-to-work" approach tends to speed the employee's recovery and reduce claim costs.

Early return-to-work "works"

In fact, the medical evidence supporting early return to work is so convincing, the Washington Legislature in 2011 voted to create a Stay at Work Program similar to a successful program in Oregon. Workers who are able to safely return to some kind of productive employment *before they are fully recovered* have faster recoveries and lower rates of long-term disability.

Now L&I, through its Stay at Work Program, can directly reimburse employers for a portion of what they pay in light-duty wages and related expenses.

This booklet explains how you can take advantage of the Stay at Work Program by planning ahead, knowing when you're eligible, and knowing how to apply.

We want to make it possible for your worker to have the best possible recovery. And we want to do everything we can to help make sure a worker injury has the least impact possible on your bottom line.

Stay at Work reimbursements encourage return-to-work strategies

Workers' comp claims involving time off work can drive up your rates. However, for the vast majority of claims, steps taken early can speed the employee's recovery and reduce claim costs.

What is 'return to work'?

Return to work simply means helping your employee get back to work as soon as possible after a job-related injury or illness. For example, he or she could work shorter hours, do different work temporarily or perform "light duty" until fully recovered.

Keeping your employee connected with the workplace is both good medicine and good business. Research has shown that effective return-to-work strategies promote a faster recovery and prevent a downward spiral into disability. Return-to-work options can take many forms and there are many resources to assist you.

Learn more about return-to-work

Website: www.Lni.wa.gov/ClaimsIns/Insurance/Injury/LightDuty

Employer's Return-to-Work Guide: www.Lni.wa.gov/IPUB/200-003-000.pdf

Questions employers ask us about Stay at Work

1. What is Stay at Work?

Stay at Work is a new financial incentive program that encourages employers to bring their injured workers quickly and safely back to light-duty or transitional work by reimbursing them for a portion of their costs. Eligible employers may be reimbursed for 50% of the base wages paid to the injured worker and for some of the cost of training, tools or clothing the worker needs to do the light-duty or transitional work.

2. Why is L&I offering Stay at Work incentives?

To encourage more employers to return their injured workers to light-duty or transitional jobs with the doctor's approval.

- This medical "best practice" can help the worker recover.
- It also can reduce costs for the employer.

3. What is considered light-duty or transitional work?

Light-duty or transitional work is work that is other than the worker's usual duties or usual work hours.

What will Stay at Work reimbursements cover?

1. 50% of the injured worker's **base wages for the light-duty or transitional work:**

- For up to **66 days** in which work was actually performed — per claim. (*Fewer than eight hours still counts as one day.*)
- Within a consecutive 24-month period.
- Up to \$10,000 per claim.

2. **Some expenses:**

If, because of the injured worker's unique needs, the employer must make a purchase so the worker can perform the job, Stay at Work may pay for the following:

- **Training fees or materials**, up to \$1,000 per claim
Example: Tuition, books, or supplies.
- **Tools** up to \$2,500 per claim
Example: Special wrench or keyboard tray
- **Clothing** up to \$400 per claim
Example: Steel-toed boots

Note: This can't be a cost the employer incurs when hiring other workers to do the same job.

Employers may be reimbursed for 50% of the base wages paid to the injured worker and for some of the cost of training, tools or clothing the worker needs to do the light-duty or transitional work.

How do employers qualify for reimbursements?

To be eligible for this program, the employer must:

- Be paying workers' compensation premiums to L&I. (*This program is not available for self-insured employers.*)
- Make sure the worker has an allowed claim with L&I during the period of light-duty or transitional work.
- Have the provider's description of the physical restrictions preventing the worker from doing his/her usual work, such as the Activity Prescription Form (APF) or copy of a chart note.
- Have a light-duty or transitional job description approved by the health-care provider.
- Be the employer at the time of injury on the claim (or, for an occupational disease claim, be the last employer to employ the worker when the claim was filed). *See Page 8 for more on occupational disease claims.*

How do employers benefit from Stay at Work?

It's easy to apply for Stay at Work reimbursements.

- A simple, three-step application.
- Minimum of paperwork.
- L&I is ready to help employers apply.

It helps reduce employers' cost per claim.

- Upfront: Reimburses some return-to-work costs.
- Long-term: May ease the effect of an experience factor increase, which can raise premiums.
- Makes it more affordable for employers to help and keep their trained workers.

It promotes better health outcomes for injured workers.

- Improves the chance of a good recovery.
- Reduces the likelihood of a long-term disability.
- Helps workers preserve their foothold in a difficult job market.

It's expected to lower the cost of workers' compensation.

- By helping workers recover faster.
- Reducing long-term disability and pension costs.

- Apply *within one year* of incurring the eligible expenses.
- Continue any health-care benefits the worker had, unless these benefits are inconsistent with the employer's current benefit program for their workers.

How do employers apply?

1. Go to www.StayAtWork.Lni.wa.gov and select:

- The **wage form** if you are applying for a light-duty or transitional work wage reimbursement

and/or

- The **expense form** to be reimbursed for related expenses

2. Complete the form, following the instructions carefully. Then print and sign.

Important: You may apply to be reimbursed for wages and expenses dating back to June 15, 2011, the date the legislation was signed by the Governor.

3. Gather the required documents you will be attaching. Then fax or mail to the number/address on the form.

Note: We are unable to accept email applications or attachments.

What attachments must employers include with a reimbursement application?

The instructions below are also on the back of the application forms.

Wage Reimbursement

1. **Payroll information:** Copy of payroll records for the time period the employee worked the light-duty or transitional job.
2. **Provider's description of the physical restrictions** preventing the worker from doing his/her usual work, such as the Activity Prescription Form or copy of a chart note.

3. **A completed, light-duty or transitional job description** approved by the health-care provider. You may use:
 - The standard job description form available on our website:
www.Lni.wa.gov/FormPub/Detail.asp?DocID=1684
 - or
 - The return-to-work job description your organization currently uses with L&I. (*Employer: Provide a copy of the description to your worker.*)

Expense Reimbursements — *For training, tools, and clothing expenses*

1. Dated receipts for the goods or services you purchased.
2. Provider's description of the physical restrictions. (Same as above.)
3. A completed, light-duty or transitional job description (Same as above.)

Q&A: Applying for reimbursements

1. Do I have to use a particular pay period when I apply for wage reimbursement?

No. You can apply for any time period you choose. Instructions are on the form.

2. What is meant by base wage?

The base wage is the basic hourly wage or salary amount you pay your employee, excluding tips, commissions, bonuses, board, housing, fuel, health care, dental care, vision care, per diem, reimbursements for work-related expenses, or any other payments.

Example: If during a period of light-duty or transitional work, you paid your injured worker \$10/hr plus a \$25 daily commission for 20 hours of work over five days, Stay at Work would reimburse you for 50% of the base wage of \$200. (20 hours x \$10 per hour = \$200) Your reimbursement would be \$100 and would not include the daily \$25 commission in the base wage.

3. Do I have to get the light-duty transitional job approved by the provider each time I request reimbursement?

No, as long as there haven't been any changes in the worker's restrictions or in the light-duty or transitional job duties.

4. Is there a difference between the base wage rate used for reimbursement for the Stay at Work Program and the wage rate used to calculate time-loss benefits?

Yes. The base wage used for reimbursement is the basic hourly wage or salary amount you pay your injured employee while they are performing light-duty or transitional work without any other additional compensation. The time-loss wage rate is used to *calculate time-loss benefits* for an injured worker and is based on the wage and benefits the worker was paid on the date of injury.

5. What does Stay at Work consider to be “one day” of work out of the 66 maximum days eligible for wage reimbursement?

Here are the basic guidelines:

- A partial day worked counts as one day.
- One uninterrupted shift counts as one day worked, even if the shift spans a two-day period, such as a swing or graveyard shift.
- If the shift is less than eight hours in the day, it is still counted as one day of work.

Note: The days that you apply for reimbursement for light-duty or transitional work do not have to be consecutive.

6. How long do I have to apply for reimbursement?

For wages, you have 12 months from the date that your employee performed the light-duty or transitional work. For expenses, you have 12 months from the day you made a Stay at Work purchase for training, tools, or clothing.

7. I’m purchasing a training my injured worker needs to take before starting light-duty or transitional work. May I purchase this training before the work starts?

Yes, but you must make this purchase *on or after* the date you offered the light-duty or transitional job offer to your injured employee. The same rule applies to any other qualifying Stay at Work expense for which you want to be reimbursed.

8. What happens if the light-duty or transitional work I’m offering my injured worker pays less than her usual job?

Your worker may apply to L&I for Loss of Earning Power (LEP) benefits if the light-duty or transitional work pays less than her usual job. (You and your injured worker should contact the assigned claims manager to discuss this process. Also, you may want to ask your account manager about any impact LEP may have on your rates.)

9. How will I know if my reimbursement request is allowed or denied?

The Stay at Work Program will let you know by mail.

10. If L&I denies my reimbursement request, may I protest?

Yes. If you disagree with a decision made by the Stay at Work adjudicator, you have the right to protest and/or appeal the decision in writing. You must send it to L&I within 60 days of the date on the order.

11. Will L&I reimburse me for Stay at Work expenses I incurred before the legislation was signed on June 15, 2011?

No. However, if you already had a recovering worker working light-duty or transitional work on June 15, 2011, and meet all of the above requirements, you could apply for Stay at Work costs you incurred on June 15, 2011, and later for that worker's claim.

12. May I offer my worker light-duty or transitional work more than once during the course of the claim?

Yes, but in order to qualify for reimbursement, the light-duty or transitional work must be performed within the one, consecutive, 24-month time period.

Example: Three different light-duty or transitional jobs were performed by the same worker between June 15, 2011, through June 14, 2013. You could potentially request reimbursement for wages, training, tools, or clothing during this period.

13. If I or my staff provide in-house training to my injured worker, may I be reimbursed for the training time?

No, but you might qualify for reimbursement of any training materials, such as books you purchased, that were necessary for this particular worker to do the training for the light-duty or transitional work.

14. What if my worker fails to follow through with the light-duty or transitional job I'm offering, or doesn't attend the training I arranged? May I still be reimbursed for my expenses?

Yes, if you bought the item in good faith after you made the job offer and you kept the receipt.

15. What if I decide to make the light-duty or transitional work permanent for this worker? May I still be reimbursed?

Yes, but only up to 66 days or up to the \$10,000 reimbursement cap — whichever occurs first in the claim.

After a workplace injury:

Why consider Stay at Work?

Because:

- It may reduce your per-claim costs.
- It helps injured workers recover.
- It's expected to lower the cost of workers' compensation.
- We've made it easy for you to apply.

Q&A: Eligibility requirements

1. Am I eligible for Stay at Work reimbursements if my worker has an occupational disease?

Note: An occupational disease is a work-related medical condition that develops over time and may involve more than one employer.

You may be eligible if you:

- Pay workers' compensation premiums to L&I. (*This program is not available for self-insured employers.*)
- Make sure the worker has an allowed claim with L&I during the period of light-duty or transitional work.
- Have the provider's description of the physical restrictions preventing the worker from doing his/her usual work, such as the Activity Prescription Form (APF) or copy of a chart note.
- Have a light-duty or transitional job description approved by the health-care provider.
- Have a worker whose claim has affected (or will affect) your experience rating.

or

- Were the worker's last employer when the claim was filed — even if the claim will not affect your experience rating.
- Apply within one year of incurring the eligible expenses.
- Continue any health-care benefits the worker had on the date of manifestation unless these benefits are inconsistent with the employer's current benefit program for their workers. (*Date of manifestation: The date the disease required medical treatment or became partially disabling, whichever occurred first.*)

2. Will I qualify for Stay at Work reimbursements if I pay my employees by commission only for the light-duty or transitional work?

No, but you may decide to pay them a base salary during this period in order to qualify for reimbursement. You also may qualify for reimbursement for certain tools, training, or clothing you purchased that was necessary for this particular worker to do the light-duty or transitional work.

3. If my worker returns to a light-duty or transitional job the first three days following an injury, am I eligible to be reimbursed for wages paid on those days?

Possibly, if the worker was certified by the medical provider as unable to perform their regular job duties for at least the first 14 days after the injury.

4. May I receive Stay at Work reimbursements for workers who were injured while working part-time or at a temporary/seasonal job?

Yes.

5. If I hired someone through the Preferred Worker Program will I be eligible for Stay at Work reimbursements?

Yes.

6. If I have a worker doing light-duty or transitional work who has more than one open and allowed claim, may I be reimbursed from each claim?

Yes, it is possible that you could receive reimbursements for an injured worker with more than one claim, providing you were the employer at the time of injury for both claims and the worker has medical restrictions under each claim. However, L&I cannot reimburse you more than once for a day's work or for the same expense.

Example: You have an injured worker with a claim for a right-wrist sprain with an injury date of 7/10/2011. The same worker has a second claim for an 8/2/2011 right-shoulder sprain. You find light-duty or transitional work that does not require the use of the right wrist or arm, and this work is approved by the attending health-care provider. You may apply to be reimbursed for 66 days of light-duty under the right-*wrist* claim *and* for up to 66 days of light duty under the right-*shoulder* claim. However, you may not be reimbursed for the same day twice.

7. Does Stay at Work apply to my worker's reopened claim?

Possibly, if you were the worker's employer at the time of the original injury and the worker is doing light-duty or transitional work pending the release to the job of injury and the reimbursement request falls within reimbursement limits.

8. I'm keeping one of my injured workers on salary while she recovers. May I be reimbursed for 50% of these wages?

Only if your worker is actually working light-duty or transitional work. The program reimburses only for work actually performed.

9. May I apply to be reimbursed for dates my worker received time-loss compensation?

No. A worker cannot receive wages for work performed *and also* be eligible for time-loss benefits. (If you become aware that your worker received time-loss for a date he or she worked, please contact the claim manager.)

RETURN-TO-WORK SUCCESS STORY

Light-duty

An electrical contractor with a dedicated safety program arranged for an injured employee to do a light-duty job that involved compiling and updating information on locks and tags. The employee used the Internet and called local contacts to gather information and identify new technology. The company incorporated what he learned into its lockout/tagout program.

Protect Your Claim-Free Discount!

- **Employers qualify for a claim-free discount after three years without a “compensable” claim** (a claim involving time-loss or a permanent disability award).
- **The discount saves employers between 10 and 40 percent** from the base insurance rate for their risk class, depending on the company’s size.
- **A single time-loss claim will eliminate the claim-free discount.** Losing the discount may be more costly than preventing time-loss (through return-to-work options) or keeping the injured employee on your payroll.

For more information:

Contact your account manager in the Employer Services section of L&I at 360-902-4817.

10. I had to end my injured worker’s health-care benefits before he returned to light-duty or transitional work. Do I still qualify for Stay at Work reimbursements?

No. If your worker was receiving health-care benefits on the date of the injury, you must continue any health-care benefits the worker had unless — when the worker returns to light-duty — these benefits are inconsistent with the employer’s current benefit program for their workers.

11. May I be reimbursed if L&I hasn’t yet allowed the claim?

No. The claim must be allowed by L&I.

12. If the allowance of the claim is protested, may I still request reimbursement?

You may submit your request for reimbursement. However, we will not make a decision on whether your request may be allowed or denied until the protest is resolved.

Q&A: Provider restrictions and light-duty work

1. How will I know if my worker can perform light-duty or transitional work for me while recovering?

It will be up to worker’s *attending health-care provider* to approve the light-duty or transitional work you want to offer. To confirm that the job duties are within the worker’s medical restrictions, you will need to give the attending health-care provider a written job description that he or she can review. (Instructions are on Page 8 and on the reimbursement form.)

2. If I need my employee to perform tasks that exceed their attending health-care provider’s restrictions, may I still be reimbursed?

No. The light-duty or transitional work performed by your employee must be within the attending health-care provider’s restrictions.

3. May I switch my employee to *different* light-duty or transitional work?

Yes, but any changes to the light-duty or transitional work must be approved by the attending health-care provider *and* you must send L&I this documentation. Note: Give a copy of the light-duty or transitional work description to your injured worker.

4. If the attending health-care provider changes the worker's restrictions, will I need to submit a new job description to the provider for it to be approved?

Only if the provider has further restricted the worker's permitted activity.

5. What if the health-care provider says my employee is able to do his usual job, but just not for as many hours per day? Is that considered light-duty or transitional work?

Yes.

6. Will L&I help employers identify light-duty or transitional work or a return-to-work program in their workplaces?

Yes. Contact our Stay at Work outreach staff:

Phone: 1-866-406-2482 *toll-free*
or 360-902-4411

Email: StayAtWork@Lni.wa.gov

7. Will Stay at Work reimbursements increase workers' compensation premiums for Washington employers?

No, this new program is not expected to increase overall premiums. The Stay at Work premium rate *does* show in a new, separate column on the Rate Notice. However, if we have good employer participation, the program is expected to lower time-loss benefit and long-term disability costs. For this reason, the Accident Fund rate is now lower than it would be without Stay at Work reimbursements.

Of course, many other factors will affect individual employer rates and premiums from year to year.

Q&A: Retrospective Rating groups

1. Will Stay at Work program costs be included in the retro adjustment calculations?

The premiums and costs of the Stay at Work Program will not be included in the retro adjustment calculations. Also, these costs are not charged to an individual employer for premium rating purposes.

2. Will use of this program affect the claim-type code?

No.

Q&A: What injured workers may ask

1. I'm an injured worker now receiving time-loss compensation as I recover. How will this affect my claim?

It won't affect the status of your claim. However, your entitlement to time-loss benefits may be affected if your employer offers you light-duty or transitional work.

For example, your time-loss benefits won't be continued *if* your employer offers you a light-duty or transitional job in writing *and* your attending health-care provider agrees the job is within your medical restrictions.

2. What if I go back to work with my health-care provider's restrictions and my employer changes my job duties?

Your employer may not place you in any job that requires you to perform activities that your attending health-care provider has not approved. If this happens, you should contact your claim manager.

Q&A: What health-care providers may ask

1. Have any requirements or paperwork changed for health-care providers as a result of the Stay at Work Program?

No, there are no changes to paperwork or billing procedures. However, it will be important for you to fully complete the work restriction section of the *Activity Prescription Form*. Because of this new program, you may see more employers seeking your approval for your patients to be released for light-duty or transitional work.

2. If my patient thinks his employer has light-duty or transitional work, how can I help him return to work under the Stay at Work Program?

Discuss the benefits of early return to work with your patient and encourage him or her to contact their employer and claim manager. We will need you to confirm that the worker is unable to do his or her usual job and describe his or her physical restrictions. If the employer asks you to review and approve a light-duty or transitional job description, please respond as quickly as possible. It will benefit your patient and the service is billable. For billing codes, go to www.Lni.wa.gov/ClaimsIns/Providers/Billing/FeeSched.

3. I'm getting calls from an injured worker's employer about light-duty or transitional work. Does Stay at Work change anything I need to do?

- **Are there any new guidelines I should know about?**
- **Do I need to change the way I handle my patients' work restrictions?**
- **Are there any new billing codes associated with the Stay at Work Program?**

No to all of the above. The Stay at Work Program provides new incentives for employers, but does not change any of our existing return-to-work policies or requirements.

Who do I contact if I have questions about Stay at Work?

Stay at Work Program
Department of Labor & Industries
PO Box 44291
Olympia, WA 98504-4291

Email: StayAtWork@Lni.wa.gov

Fax: 360-902-6100

Website: www.StayAtWork.Lni.wa.gov

Phone: 1-866-406-2482 *toll-free*
or 360-902-4411

Reminder: We cannot accept wage or expense reimbursement applications or attachments by email.

Other formats for persons with disabilities are available on request. Call 800-547-8367. TDD users, call 360-902-5797. L&I is an equal opportunity employer.

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